

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

THE UNITED STATES OF AMERICA

V.

ALBERT LYNN BARCROFT

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CASE NO. 4:07cv100

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On October 21, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant James M. Walker's Motion to Dismiss (Dkt. 257) be DENIED.

The Court, having made a *de novo* review of the objections raised by Defendant, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Defendant are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant James M. Walker's Motion to Dismiss (Dkt. 257) is DENIED.

IT IS SO ORDERED.

SIGNED this 10th day of December, 2008.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE